

1 time I went there with the Barbas file to talk to him  
2 about it. I went by after Coe's death that time that  
3 I've talked about.

4 I was there in his office when he had a  
5 reception when he got promoted to a full colonel from  
6 lieutenant colonel, they had a reception for him. And  
7 it was sort of inside his office and in the courtroom,  
8 and I was in there that time.

9 Q Was this over the period of time just the  
10 three months before this?

11 A Yes, I'm talking about --

12 Q Before July?

13 A -- the two to three months prior to this  
14 incident. I went there again during that time frame to  
15 talk to him about his computer, because he was -- he  
16 was concerned that he couldn't use his -- he has AOL on  
17 his computer. And he wanted to be able to call in to  
18 our local area network and it wasn't working. And so  
19 he wanted to change his operating system because the  
20 operating system that we were using wasn't compatible  
21 with AOL. So we were talking about that and getting a  
22 different computer. Because I happen to be the  
23 chairman of the Judicial Automated Data Systems  
24 committee, which is kind of a policy committee for  
25 computers and technology with judges. So I went by for

1 that.

2 Q And those times that you went he knew you  
3 were coming prior --

4 A No, no.

5 Q -- or did you just walk in and knock?

6 A No, I never -- I never, you know, said  
7 like I'm coming, I just would go down there.

8 GRAND JUROR: Okay, thanks.

9 MR. HILL: Yes, sir.

10 BY GRAND JUROR:

11 Q There was much emphasis placed on your  
12 entry into his office that -- on the door itself. And  
13 that you knocked and then one way or another opened  
14 that door, pushed the door open whether it would be  
15 turning the handle or not we weren't sure, but you  
16 knocked.

17 Wouldn't it -- see, it seems to me, I'm  
18 going to ask you the question, wouldn't it have been  
19 appropriate that you would wait for an answer when you  
20 knocked --

21 A No.

22 Q -- rather than just walk in like that?

23 A I know it would seem like that, you know,  
24 from an etiquette standpoint you would knock and wait.  
25 But, I mean, we don't -- you know, I wouldn't think

1 that that would be necessary.

2           You know we -- I don't know if you heard  
3 about the incident that happened right before I started  
4 delivering the statistics where I was -- this happened  
5 to be the same night right about the same time, just a  
6 few minutes before that, that there was a lawyer, I  
7 guess Mike Foster I think testified, from what I  
8 understand, that some people saw him walking out of  
9 here. I don't know what he said.

10           But anyway, Judge Moody was in his office  
11 and I went and I knocked on the door and opened it. He  
12 didn't answer me. And I opened the door to see if he  
13 was in there because if he wasn't then I was going to  
14 suggest to Mike Foster that he leave the Orders for him  
15 to sign there.

16           So, I mean, this was just the way it was  
17 done. Like when Judge Holder came into my office, he  
18 didn't knock, he just came in. He didn't knock at all,  
19 not to wait for a response, he just came in. We  
20 just -- there is no expectation of privacy in these  
21 offices. These are public offices and people, we come  
22 and go.

23           Q           But I noticed you had mentioned that a  
24 few minutes ago in some of your testimony that he  
25 had -- someone had entered your office and you were

1     rather -- your disposition on that particular incident  
2     when it happened, it seemed to me your demeanor there  
3     that you weren't overly happy about that?

4             A         No, I was not unhappy about it at all.

5             Q         Well, then don't you think that this  
6     judge would feel the same way that you --

7             A         I was not unhappy about it at all. It  
8     didn't bother me at all.

9             Q         Oh, all right.

10            A         It only bothered me when he said that  
11     this was unprecedented to go into somebody's office and  
12     he had done the same thing. That's when it bothered  
13     me. It didn't bother me at the time. I didn't care if  
14     he came -- comes into my office.

15                   MR. HILL: Other questions?

16                   GRAND JUROR: I have.

17                   MR. HILL: Yes, ma'am.

18     BY GRAND JUROR:

19             Q         When you went there and if the door had  
20     been locked when you knocked, would you have gone ahead  
21     and used a key?

22             A         I'm sure I would have.

23             Q         Okay. If your purpose was to talk to him  
24     about specific matters, and you knocked and it was  
25     locked, why would you have gone ahead and used the key

1 because probably he's not going to be there?

2 A Well, I had just left Judge Moody's  
3 office and we had knocked. Mike Foster had knocked on  
4 the one door and I had knocked on another door and he  
5 hadn't responded. And I opened it with my key and he  
6 was in there.

7 So there's no -- I mean there's -- just  
8 because you knock people don't answer the door. A lot  
9 of times judges don't want people -- want to talk to  
10 anybody. They're not going to be answering the door if  
11 somebody knocks on the door. So I'm -- you know, if I  
12 feel like I want to go in there to talk to him, I'm  
13 going to see if he's there.

14 FURTHER EXAMINATION

15 BY MR. HILL:

16 Q Mike Foster was there to see Judge Moody?

17 A Yes.

18 Q And knew that Judge Moody would be  
19 available to see him at some point, did he not?

20 A He -- yes, that's right. He said that  
21 Judge --

22 Q So there was reason to believe that he  
23 was there; is that correct?

24 A Yeah, sure. Sure.

25 FURTHER EXAMINATION

1 BY GRAND JUROR:

2 Q After Bailiff Gay -- after you came out  
3 and you were kind of speaking with Bailiff Gay briefly,  
4 she had said that you appeared nervous.

5 A Yeah.

6 Q I guess that was based on perhaps the  
7 conversation you had with her after the fact and her  
8 observations of your demeanor. But you said you hardly  
9 even know her?

10 A Right, I don't.

11 Q And you had a conversation with her then?

12 A Well, --

13 Q And you don't even really know her?

14 A If you want to call it a conversation. I  
15 came in -- I'll tell you exactly what my recollection  
16 of this is. I walked into the room. She says, "Oh,  
17 Judge Bonanno, you startled me. I didn't think anybody  
18 was here." I said, "Yeah, you startled me, too. I  
19 came to see Greg, Judge Holder. Do you know when -- if  
20 he's here?"

21 She says, "No, he's not here. He's out  
22 of town. He won't be back until Sunday or Monday,"  
23 whatever she told me. She said -- and then she said,  
24 "I -- I was working across the street in juvenile," I  
25 think she said, "because, you know, he wasn't here

1 today and -- and I came to get my stuff."

2 And I said, "Oh, okay." I said, "Where  
3 are they going to put you tomorrow?" because that was  
4 Thursday. "Where are you going to be assigned  
5 tomorrow?" And she says, "I'm off tomorrow."

6 And I said, "Oh, well, you're lucky. I  
7 wish I was off tomorrow." And I said, "I'll see you  
8 later." And she says, "No, wait a minute. Let me get  
9 my stuff, my personal belongings or whatever, and I'll  
10 leave with you."

11 And then I waited. She got her stuff,  
12 and we both left together. So, I mean, if that's the  
13 conversation, that was the conversation.

14 Q Okay.

15 A I mean, it just --

16 Q So from your viewpoint it was just  
17 normal, polite conversation?

18 A Just -- yeah, it was just chitchat, just,  
19 you know, a greeting, I guess, more than anything else.

20 GRAND JUROR: She asked my question, very  
21 good.

22 MR. HILL: Yes, sir.

23 BY GRAND JUROR:

24 Q Judge, would you -- would you consider  
25 the chief -- one of the Chief Judge's responsibilities

1 and certainly within his prerogatives to counsel  
2 someone who was having an inappropriate affair in an  
3 attempt to correct the situation?

4 (Conference between Mr. Fernandez and the  
5 witness.)

6 A My attorney has tried to get us some  
7 clarification from Tom McDonald, who is the head of the  
8 Judicial Qualifications Commission, about just how far  
9 we can go with these issues. And he was out of town  
10 and we weren't able to get ahold of him, so --

11 FURTHER EXAMINATION

12 BY MR. HILL:

13 Q Maybe he's talking about you, Judge, not  
14 somebody else. Can you comment on that?

15 A Well, I'm -- you know, I'm not a Chief  
16 Judge and I really don't know. There's a bunch of  
17 rules that apply to Chief Judges as to what they're  
18 supposed to do.

19 Q As an Acting Chief Judge --

20 A No, I didn't -- I wasn't involved with  
21 that.

22 Q -- did you counsel anyone?

23 A No, I wasn't involved with that. As an  
24 Acting Chief Judge my primary job was just to do  
25 ministerial things that had to be done just that might



1 come up.

2 FURTHER EXAMINATION

3 BY GRAND JUROR:

4 Q One more question.

5 A And so if anything major would come up,  
6 Judge Alvarez was not dead, I mean he was home  
7 recuperating, but, I mean, if anything major comes up I  
8 wasn't going to do it because, you know, he wouldn't  
9 have appreciated that in the first place. But --

10 Q One more question. Have you ever been  
11 counseled on your behavior by the Chief Judge?

12 A Have I ever been counseled by the Chief  
13 Judge?

14 (Conference between Mr. Fernandez and the  
15 witness.)

16 MR. HILL: May the record simply reflect  
17 conference with counsel each time it occurs?

18 THE WITNESS: Yes, please reflect that.

19 A Well, Judge Alvarez, you know, talks to  
20 us, you know, on a regular basis. But the -- each  
21 judge is an elected official on their own and he really  
22 has no authority over us.

23 MR. HILL: Well, the question was have  
24 you ever been counseled, if I recall, correctly?

25 A You mean like a formal counseling session

1 where --

2 Q Formal or informal one-on-one?

3 A I don't know. I can't -- you know, I --  
4 if he -- he and I talked, you know, over the years.  
5 We're good friends, we're ex-law partners, and I don't  
6 know how to answer that question.

7 FURTHER EXAMINATION

8 BY MR. HILL:

9 Q Well, is your answer, "I don't know"?

10 A I don't know how to answer that question  
11 is my answer.

12 Q Well, who would know how to answer it?

13 A I don't know.

14 Q Has he ever discussed your behavior with  
15 you, counseled you about problems from his perspective  
16 as Chief Judge regarding you as a Circuit Judge?

17 A I can't specifically remember anything,  
18 but I don't know. I mean, you know, we talk a lot.  
19 And we talk about different things and --

20 Q Well, do you think you would remember if  
21 you'd been counseled, admonished, suggested that you  
22 change certain behavior? Would you recall that?

23 A Maybe. I have a different relationship  
24 with Judge Alvarez than some people. You know, maybe  
25 that's the problem.

## FURTHER EXAMINATION

BY GRAND JUROR:

Q Judge Bonanno, I speak for myself, I guess, and some of the others, but I'm a bit confused because your counsel said there are certain things that you can talk about.

Mr. Hill, I guess -- I guess at some point we're not understanding why you're not able to answer. So, my question is how do you characterize your relationship with Joanie Helms?

(Conference between Mr. Fernandez and the witness.)

A My attorney again -- this is -- he says he'd be glad to explain it but he can't really say anything in this setting. But --

MR. HILL: No, sir, you're the witness.

A This is again in the area that --

(Conference between Mr. Fernandez and the witness.)

A Until I hear from the JQC and --

(Conference between Mr. Fernandez and the witness.)

BY GRAND JUROR (resuming):

Q Okay. One other question.

MR. HILL: Well, wait a minute.

1           A           Yeah, because, you know, the JQC is a  
2 separate body and has separate rules, and you can't  
3 give me absolution from them.

4                   MR. HILL:   What was your question?

5                   GRAND JUROR:   My question was I was  
6 asking him to characterize his relationship with  
7 Joanie Helms.

8                               FURTHER EXAMINATION

9 BY MR. HILL:

10           Q           The JQC is the reason you're not  
11 answering that question?

12                   MR. FERNANDEZ:   No, it's my advice.   It's  
13 my advice and you know --

14                   MR. HILL:   All right.   We're going to  
15 certify this question to Judge Schaeffer.

16                   THE WITNESS:   Okay.

17                   MR. HILL:   And we'll have a hearing on  
18 this issue.

19                   THE WITNESS:   Okay.

20 BY MR. HILL (resuming):

21           Q           Now, what -- other than -- any basis  
22 other than your attorney objects?   Is there any basis  
23 for that objection?

24           A           I have to follow his advice.

25                   MR. FERNANDEZ:   He can walk right out of

1 here. I think they -- have you told them?

2 MR. HILL: Oh, absolutely he can and he's  
3 welcome to.

4 MR. FERNANDEZ: Well, I mean --

5 MR. HILL: I want -- well, you can't talk  
6 anymore, understand? He is absolutely welcome  
7 to leave, and he understands that.

8 A I understand. I'm just -- I'm trying to  
9 be cooperative. But on the other hand, my attorney has  
10 told me about these -- this other area which is  
11 different than other witnesses apparently, and I -- and  
12 I have to follow his advice.

13 FURTHER EXAMINATION

14 BY GRAND JUROR:

15 Q Well, I guess that's my point, because as  
16 far as the Grand Jury we don't understand that. We  
17 don't understand --

18 A I know.

19 Q -- the law, so that's why I'm trying to  
20 find out.

21 A And I wish I could explain it to you  
22 better, but he's the expert on this -- on these  
23 judicial Canons things.

24 Q Okay. So you don't know why you can't  
25 talk as far as that?

1           A           You know, as I've said, it has to do with  
2 the prohibitions against, against us testifying  
3 voluntarily and --

4           Q           Okay.

5           A           But I'm here ready to talk about this --  
6 this July 27th incident until the cows come home.

7                   MR. HILL: Anybody else have a question  
8 on the front? I know there's a couple of  
9 pick-up questions. Yes, sir.

10 BY GRAND JUROR:

11           Q           Just for the record, we're back for a  
12 moment, correct me if I'm wrong, but right now you are  
13 somewhat surprised by the Monday morning meeting with  
14 Holder and Alvarez and what have you. So you're sort  
15 of saying indirectly that you have no knowledge of any  
16 material in Holder's office that would cause Bailiff  
17 Gay to be somewhat reactionary and Holder would be  
18 upset?

19           A           Absolutely. Absolutely. I'll say that  
20 unequivocally. I did not go in that office to get  
21 anything, to plant anything, to do anything. And I  
22 have no knowledge now and I had no knowledge then that  
23 there was anything, and if there was something, that it  
24 was in his office.

25                   And nobody asked me to go in there and

1 get it for them or -- all this I'm getting from the  
2 newspaper reports. That's all fiction, somebody's  
3 imagination.

4 MR. HILL: Okay. Last question?

5 BY GRAND JUROR:

6 Q I guess as a judge, and I'm going to ask  
7 you your personal opinion, but with many rumors around  
8 about affairs, possibly your own, and also with Gaspar  
9 Ficarrotta, and the fact that there was courthouse  
10 employees and judges, does it personally cause you  
11 concern or how it may reflect on the judiciary, or that  
12 people might draw wrong conclusions or view it as  
13 impropriety?

14 (Conference between Mr. Fernandez and the  
15 witness.)

16 A I've got to give you the same response to  
17 that, according to my attorney.

18 FURTHER EXAMINATION

19 BY MR. HILL:

20 Q And what is that response?

21 A That again this is -- you might want to  
22 certify this one, too.

23 Q I don't know that we're going to want to  
24 do that.

25 A But I mean if you want to.

1 Q I think the question is, does your  
2 conduct reflect a credit, a positive view of the  
3 judiciary over here? Now, is the JQC going to prevent  
4 you from answering that, too?

5 A What conduct? Going down to see Judge  
6 Holder?

7 Q No, sir, your conduct in general.

8 A Well, the only thing that's -- that's  
9 been written about me that would reflect as to the  
10 public would be what happened with Judge Holder's  
11 office, and I can tell you that was just an innocent  
12 visit.

13 Q Let's go broader than that.

14 A That's all the public knows about.  
15 That's all that's been published in the paper.

16 Q So if they don't know about it it can't  
17 reflect adversely; is that correct?

18 A Well, I mean, I don't know how it -- how  
19 it can reflect if it's not public. Maybe -- maybe  
20 there's a way.

21 Q Okay. Your behavior is a credit to the  
22 judiciary; is that a fair characterization of your  
23 observation?

24 A I'm sorry, what? Say it again. I didn't  
25 hear it.



1           Q       Your behavior is a credit to the  
2       judiciary; is that a fair summary of what you're  
3       saying?

4           A       My behavior. In this Holder situation,  
5       going into his office, is that what you're talking  
6       about?

7           Q       I mean, if that's your answer --

8           A       I'm trying to clarify the question.

9           Q       No, let's talk about -- it's much broader  
10      than that.

11          A       The way I act at football games, the way  
12      I do other things? I mean, I -- you know, there's a  
13      lot of things in life.

14                 MR. HILL: That's a fair answer. Thank  
15      you. Any other questions? Judge, counsel, we  
16      thank you for being here.

17                 THE WITNESS: Thank you. Thank you all  
18      very much.

19                 MR. HILL: -- for being here today. We  
20      will remind you simply, of course, of the oath.

21                 THE WITNESS: No problem.

22                 (The witness left the Grand Jury room at  
23      11:20 a.m.)

24  
25

## REPORTER'S CERTIFICATE

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, LYNDA J. MILLS, Registered Merit Reporter, do certify that I was authorized to and did stenographically report the foregoing proceedings, and that the transcript is a true and complete record of my stenographic notes thereof.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 15th day of March, 2001.

LYNDA J. MILLS  
Registered Merit Reporter

